IN RE: PETITION FOR VARIANCE

SW/S Pfeffers Road and Old Long Calm Road

(10808 Pfeffers Road)

11th Election District

5th Councilmanic District

* ZONING COMMISSIONER

ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 99-396-A

BEFORE THE

Barbara L. Hartman

Petitioner

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Barbara L. Hartman. The Petitioner seeks relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located outside of the third of the lot farthest removed from any street, and with a height of 24 feet in lieu of the maximum allowed 15 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Barbara L. Hartman, legal owner of the property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.20 acres, more or less, zoned R.C.5 and is improved with a single family dwelling, a detached carport (19' x 25' in dimension), a 10' x 12' shed, and an above-ground swimming pool. Also on the property is a partially constructed detached garage, which is the subject of this variance request. The Petitioner has lived on the property for the past five years. Ms. Hartman testified that recently, renovations to the HVAC system for the dwelling were made and equipment was placed in the attic of the existing dwelling which resulted in the loss of that storage space. Thus, the Petitioner proposes to construct a garage, approximately 26' x 26' in dimension, with a height of 24 feet in the rear yard of her property. When questioned about the use of the garage,

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Ms. Hartman testified that she has a tall, conversion van vehicle which will be stored in the building. Additionally, an upstairs floor will be designed to provide a storage area to compensate for the loss of the attic space in her home. Ms. Hartman indicated that she also designs flower arrangements as a hobby and will use a small area of the garage for this purpose. She understood that the garage could not be used for commercial purposes or to provide living space.

Variance relief is being requested to approve a height of 24 feet in lieu of the maximum permitted 15 feet. Additionally, although the house on the property fronts Pfeffers Road, a small, private road, known as Old Long Calm Road, abuts the north side property line. The location of this road and the existence of an electrical transmission right-of-way between that roadway and existing improvements on the Petitioner's property drives the need for the variance to allow the garage to be located outside the third of the lot farthest removed from any street.

Based upon the testimony and evidence presented, I am persuaded to grant the variance. In my judgment the Petitioner has produced sufficient evidence to comply with the requirements of Section 307 of the B.C.Z.R. It is also noted that there were no Protestants at the hearing and letters of support were received from all of the surrounding neighbors. Moreover, the lot is large enough to accommodate the proposed garage. Thus, it is clear that the relief requested can be granted without causing any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Love that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located outside of the third of the lot farthest removed from any street, and with a height of 24 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware

that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. Moreover, the garage shall not be used for any commercial/ business purposes.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 21, 1999

Ms. Barbara L. Hartman 10808 Pfeffers Road Kingsville, Maryland 21087-7614

RE: PETITION FOR VARIANCE

SW/S Pfeffers Road and Old Long Calm Road

(10808 Pfeffers Road)

11th Election District - 5th Councilmanic District

Barbara L. Hartman - Petitioner

Case No. 99-396-A

Dear Mr. Hartman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitioner for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc·

People's Counsel; Case File



hardship or practical difficulty)

Contract Purchaser/Lessee:

CHOEH RECEIVED FOR FILING

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10808 PEFFERS ES which is presently zoned Decidation

	This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and
	made a part hereof, hereby petition for a Variance from Section(s) 400 / AND 400 3 BCZR
To	made a part hereof, hereby petition for a Variance from Section(s) 400 1 AND 400 3 BCZR PERMIT AN ALCOSSORY STRUCTURE (GARAGE) To be located outside of the
11	hied of the Lot FARKhest Removed From May street quith a Height of 24 FT
in	WiEV of the Penitted 15 FT.
	of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Bailara J. A	withan	
Signature	25 Rd 4	10-538-7614
Address	<u> </u>	Telephone No.
KINGSTILLE	477 A	21087 183
City	State	Zip Code
Attorney For Petition	<u>ner:</u>	
Name Type or Bright		
Name - Type or Print		
Signature		
Company		······································
Address		Telephone No.
T		
	State	Zip Code
X	Ciale	کیا جنوب
913		
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Case No. 99-32	9/0-0	-
Qase No. //	· • ~	_
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REV 9/15/98		

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Barbara S. H	artnew	
Signature		
lame - Type or Print		
Signature		
10808 PFEFFER.	s Rd 4	10-538-1614
		T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Address KINGSVILLE	MD	21087-1831
Dity	State	Zip Code
Representative to be	Contacted:	
BARBARA L. HA	ARTMAN	
lame		
10808 PAEFFE	es Rd	410-538-7614
Address		Telephone No.

OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 1/2 /2

UNAVAILABLE FOR HEARING
Reviewed By ARD Date 4-7-99

Reviewed By

10808 PEFFERS RD

BEGINNING AT A POINT ON THE CENTERLINE

OF PREFFER RD. AT THE INTERSECTION WITH THE NORTH

SIDE OF OW CALM RD. (FOR A LOT ON THE SW.,

SIDE OF SAME) THENCE THE FOLLOWING COURSES

AND DISTANCES, N.W. ALONG THE OLD LOWGE CALM

ROAD 237. 31 FT., THENCE: SOUTHERLY 480 FT., THENCE

N.E., 232. 49. FT TO C/L PREFFER RD THENCE NORTHERLY

ALONG THE C/L 376.30' BACK TO THE POINT

OF BEGINNING. BEING 2.20 AC IN THE

5TH C.D. II E.D.

99.396.A [tem # 396

DATE HOSELLANEOUS RECEIPT MISCELLANEOUS RECEIPT DATE HOSEL ACCOUNT ROLL AMOUNT \$ 50. FROM: Received Hoseland Roll Roll Roll FOR: Received Programmer Roll FOR: Received Programmer FOR: Received

Claser #89-396-A 10808 Pfeffers Road SWC Pfeffers and Off Long Qaim Road

Variation: to permit an accessory studium (garage) to be located outside of the third of the lot farthest removed from any street and with a leight of 24 (jett in iteu of the permitted

LAVMENCE E. SCHMIDT
Zorling Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
Stephal

5/003 May 6

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published - successive in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on_

THE JEFFERSONIAN, > Walman

LEGAL ADVERTISING

CERTIFICATE OF POSTING

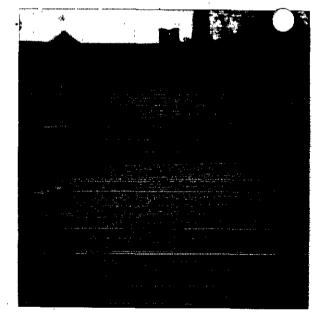
RE: CASE # 99-396-A
PETITIONER/DEVELOPER:
[Barbara L. Hartman]
DATE OF Hearing
[May 24, 1999]

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 10808 Pfeffers Road Baltimore, Maryland 21021_____



Sincerely,
Olum Polkshig
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

RE: PETITION FOR VARIANCE 10808 Pfeffers Road, SWC Pfeffers Road and	*	BEFORE THE
Old Long Calm Rds, 11th Election District,	*	ZONING COMMISSIONER
5th Councilmanic	*	FOR
Legal Owners: Barbara L. Hartman	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-396-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Clarole S. Demilà

Deputy People's Counsel

Old Courthouse, Room 47

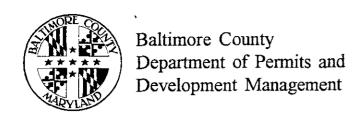
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this $\frac{27}{\text{day}}$ day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Barbara L. Hartman, 10808 Pfeffers Road, Kingsville, MD 21087, Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 21, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-396-A 10808 Pfeffers Road SWC Pfeffers and Old Long Calm Road 11th Election District – 5th Councilmanic District Legal Owner: Barbara L. Hartman

<u>Variance</u> to permit an accessory structure (garage) to be located outside of the third of the lot farthest removed from any street and with a height of 24 feet in lieu of the permitted 15 feet.

HEARING: Monday, May 24, 1999 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Barbara Hartman

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us

TO: PATUXENT PUBLISHING COMPANY

May 6, 1999 Issue - Jeffersonian

Please forward billing to:

Barbara Hartman 10808 Pfeffers Road Kingsville, MD 21087 410-538-7614

NOTICE OF ZONING HEARING

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401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Petitioner: 10808 PEFFERS Rd
PLEASE FORWARD ADVERTISING BILL TO: Name: BARBARA HARTMAN
Address: 10808 Pfeffers Rd Kingsville 4mb 21087
Telephone Number: 410-538-7614

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing Black Letters on White Background:

ZONING NOTICE

Case No. 99 396-4

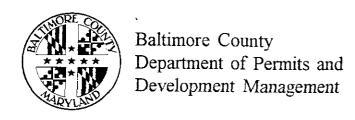
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: A Variance to allow an accessory structure
(detached garage) to be located in the 1/3 of the
rear yard on a conner lot & with a height of 24 ft.
in lieux the required 1/3 rear yard farthest removed
from the side street & maximum allowed 15 th, respectively

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 20, 1999

Ms. Barbara L. Hartman 10808 Pfeffers Road Kingsville, MD 21087-1831

RE: Case No.: 99-396-A

Petitioner: Hartman

Location: 10808 Pfeffers Road

Dear Ms. Hartman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 7, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:qqs

Enclosures



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Mar 17, 1997

Arnolf Tablus, Director To their Administration and Coverement Management مرين والمراج والمعارض المعاميات المعارض المعارض المعارض กร์เน -ะ พก วุ่าฏกไ אמון ביתיקקבים וויב 호텔 (- 파시 프랑스트는 Sweeks + 국민및 경험하는데 T detich: propersyment Marmine of Abril 19, 1999 Thomas of Space Ballow - Zon<u>i</u>na 25 - 12. oten=Terent: move with the one of equipment they perform the transfer the transfer to the t surveyed by this Borest and the comments held ware applicable and rangigan ta isa garantan ta isa tangangan ta ta a isa ta a isa ta a isa ta a isa isa isa a isa a isa a isa a i the neinerty. Por Tro Piece w Coballe Offling big so commones se exclusive eins יאַ פַּפַפַרָּפַעריב דין קאָבָ בָּאַנַבַטַאָּנַיִי מַעָּנַיַּאָנַ בַּאַנַבַטַאָּנִיי אַפַּיִּי מַיּערָאַנַיַּ 397, 198, 411, 401 and 401 Gividanse: Lw. susabad co desination चर्च ∨ vehal रहर्षाच्या ठुवरुष्ट ३२७±१०३८ अलुम्राहर ह . . . FII-

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: April 29, 1999

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

ITEM NO. 396

The Office of Planning supports the applicant's request subject to the following condition:

The petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 26, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 26, 1999

Item Nos. 394, 395, (396), 397, 398,

400, and 402

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 4/26/99

FROM:

R. Bruce Seeley, Project Manager ANSIG

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s:

197

400

402

98-467-SPHA



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date:

4.20.99

RE:

Baltimore County

Item No. 396

277

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Holl.
Michael M. Lenhart, Acting Chief Engineering Access Permits Division 63 a Tanenbaum 26. 10830 Deleifers Ph. 21021

To Whom DY may Concern,

Is a need don neighter I think the gauge

Mrs. B. Hartmen is building is a booly structure

and will be a assit to the neighborhood.

Enicably,

(1 tem # 396

99.396-A

Kenneth & Patricia Horner 10805 Pfeffers Rd. Bradshaw, Md.21087

To whom it may concern,

This letter is in regards to the garage being built at 10808 Pfeffers Rd. The garage doesn't block our view in any way. In our opinion, it doesn't detract from the beauty of our neighborhood. It blends right in. We also have no problem with the height of it.

We have no concerns about this garage being built.

Sincerely, Kenneth & Patricia Horner

Item # 394

99.396-A

Mark P. & Judith A. Ruppert 10804 Pfeffers Road Bradshaw, Maryland 21087 410-538-6957

March 16, 1999

Zoning Office Baltimore County Government Towson, Maryland 21204

To whom it may concern:

We are Bobbie Hartman's next-door neighbors living at 10804 Pfeffers Road, Bradshaw, Maryland 21087. We are excited to see her new garage complete and believe it will add value to her property as well as our neighborhood. It is aesthetically pleasing to look at as it is well situated, of appropriate height and has excellent street appeal.

Our house is one of several on Pfeffers road updated in the past few years in both size and appearance. Continued individual property upgrades are increasing the appeal and ultimate property values of the homes on our road. Therefore, we support the completion of Ms. Hartman's new garage and believe Baltimore County should approve any zoning variances necessary to achieve such. Feel free to call on us if you have questions or comments.

Respectfully,

Mark and Judy Ruppert

Note:

Mark's Daytime Work Phone is 410-955-6361

bobbie-z.doc 49.396-A

Item # 396

Heffer had bradshaw, Md 21087. I have no opposition to the garage that is being built by babbie Hartman. I feel it will be an asset to the neighborhood. Its height blocks no view and the garage will be attractive when completed.

Dank You Vichi & Dreg Yuhas

Item #396

49-39b-A

